

OCT 19 2005

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARIA TRINIDAD GUTIERREZ
CERVANTES; et. al.,

Petitioners,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-73178

Agency Nos. A76-846-128
A75-846-129
A76-846-130
A76-846-131

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted October 11, 2005^{**}

Before: HALL, T.G. NELSON and TALLMAN, Circuit Judges.

Maria Trinidad Gutierrez Cervantes, her husband Alejandro Manriquez and
their children Silvia Jarita Manriquez Gutierrez and Daniel Alberto Manriquez
Gutierrez, all natives and citizens of Mexico, petition for review of the Board of

^{*} This disposition is not appropriate for publication and may not be
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

Immigration Appeals’ (“BIA”) summary affirmance of an immigration judge’s order denying their application for cancellation of removal. To the extent we have jurisdiction, it is conferred by 8 U.S.C. § 1252. We dismiss in part and deny in part the petition for review.

We lack jurisdiction to review the IJ’s discretionary determination that the Petitioners failed to satisfy the exceptional and extremely unusual hardship requirement for cancellation of removal. *See Romero-Torres v. Ashcroft*, 327 F.3d 887, 892 (9th Cir. 2003).

Petitioners’ contention that the BIA failed to demonstrate that its conclusions were supported by the record is foreclosed by *Falcon Carriche v. Ashcroft*, 350 F.3d 845, 850-51 (9th Cir. 2003) (concluding that streamlining does not violate an alien’s due process rights).

The voluntary departure period was stayed, and that stay will expire upon issuance of the mandate. *See Desta v. Ashcroft*, 365 F.3d 741, 750 (9th Cir. 2004).

PETITION FOR REVIEW DISMISSED in part; DENIED in part.